



09-34-03

REC-11051

PTO/SB/29(10-00)  
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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

☐ CHECK BOX, if applicable  
DUPLICATE

Address to:

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Commissioner for Patents  
Washington, DC 20231

Attorney Docket No. of Prior Application	1728/1F088-US2
First Named Inventor	Ick-Dong Yoo
Examiner Name	Not Yet Assigned
Group Art Unit	N/A
Express Mail Label No.	

This is a request for a ☐ continuation or ☒ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/846,634  
filed on May 1, 2001, entitled

NOVEL IMMUNO-STIMULATING POLYSACCHARIDE SUBSTANCE FROM *Phellinus* spp.  
STRAIN AND USE THEREOF

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51 (b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53 (d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

- 1 ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
- 2 ☒ A preliminary amendment is enclosed.
- 3 ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
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  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- 4 ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- 5 Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

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PATENT TRADEMARK OFFICE

Docket No: 1728/1F088 US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ick-Dong Yoo et al.

Serial No.: Divisional of 09/221,261 Art Unit: 1623

Confirmation No.:

Filed: Concurrently herewith

Examiner: K.Fonda

For: NOVEL IMMUNO-STIMULATING POLYSACCHARIDE SUBSTANCE FROM PHELLINUS SPP. STRAIN AND USE THEREOF

PRELIMINARY AMENDMENT

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

January 30, 2003

Sir:

Preliminary to examination of the above-identified patent application,  
please amend the application as follows.